

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

CASE NO. 23-CR-20166-CMA-1

Plaintiff,

vs.

ELIASIB REYES,

Defendant.

\_\_\_\_\_ /

**DEFENDANT, ELIASIB REYES'**  
**OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT**

COMES NOW the Defendant, **ELIASIB REYES**, by and through his undersigned counsel, and presents herewith, his Objections to the Presentence Investigation Report ("PSR") [D.E. 31], and states as follows:

1. **Clarification to Paragraph 17: "The Offense Conduct"**

The Defendant clarifies Paragraph 17 of the Presentence Investigation Report insofar as it states: "First, on August 14, 2020, Reyes made a \$25,245.91 payment to his Citicard. *This payment is charged as money laundering in Count Four of the Indictment.*" Emphasis supplied.)

By way of clarification, it should be noted that although Count Four of the Indictment does charge money laundering, the Defendant did not plead guilty to that count and the Government will be announcing a dismissal of that charge at the time of sentencing. (See paragraph 2 of the Plea Agreement. [D.E. 17])

2. **Objection to Paragraph 94: "Restitution"**

The Defendant objects to Paragraph 94 of the Presentence Investigation Report insofar as it states: "Pursuant to 18 U.S.C. § 3663A, restitution in *the total amount of \$238,700* shall be ordered to the Small Business Administration (SBA) in this case." (Emphasis supplied.)

It is respectfully submitted that the amount of restitution should read \$88,500, rather than \$238,700.

As noted in Paragraph 30 of the Presentence Investigation Report, "According to the government, the actual loss in this case is \$88,500."

Further, Paragraph 33 of the Presentence Investigation Report states: "The provisions of the Mandatory Victim Restitution Act of 1996 apply to this Title 18 offense. According to the government, the U.S. Small Business Administration (SBA) is the victim in this case and the actual loss amount in this case is \$88,500. A victim letter was mailed and emailed to the SBA and a response remains pending."

**WHEREFORE**, the Defendant, **ELIASIB REYES**, respectfully prays that this Honorable Court sustain the within clarification and objection to the Presentence Investigation Report and direct the United States Probation Office to amend the Presentence Investigation Report as requested herein.

Respectfully submitted,

FRANK J. GAVIRIA, P.A.  
14 N.E. 1st Avenue, Suite #301  
Miami, Florida 33132  
Tele: (305) 379-4441  
Fax: (786) 509-8088  
Email: thefloridalawyer@yahoo.com  
(Counsel for Defendant, *Eliasib Reyes*.)

/s/ **Frank J. Gaviria**  
Frank J. Gaviria, Esq.  
(FL Bar No. 979058)

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 14<sup>th</sup> day of August, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing

document is being served this day on all counsel of record or pro se parties either *via* transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

FRANK J. GAVIRIA, P.A.  
14 N.E. 1st Avenue, Suite #301  
Miami, Florida 33132  
Tele: (305) 379-4441  
Fax: (786) 509-8088  
Email: thefloridalawyer@yahoo.com  
(Counsel for Defendant, *Eliasib Reyes*.)

/s/ **Frank J. Gaviria**  
Frank J. Gaviria, Esq.  
(FL Bar No. 979058)

**SERVICE LIST**

**United States of America v. Eliasib Reyes  
Case No. 23-CR-20166-CMA-1**

Jonathan Bailyn, A.U.S.A.  
Office of the United States Attorney  
99 NE 4th Street  
Miami, FL 33132  
Telephone: (305) 961-9071  
E-mail: jonathan.bailyn@usdoj.gov

William T. Zloch, A.U.S.A.  
United States Attorney's Office  
500 South Australian Avenue  
Suite 400  
West Palm Beach, FL 33401  
Telephone: (561) 820-8711  
Fax: 820-8777  
E-mail: William.Zloch@usdoj.gov

Danielle Sylvester-Pierre  
Sentencing Guideline Specialist  
Wilkie D. Ferguson, Jr. United States Courthouse  
400 North Miami Avenue, 9th Floor South  
Miami, FL 33128  
Telephone: 305-523-5470  
E-mail: Danielle\_Sylvester-Pierre@flsp.uscourts.gov